

### **REMARKS**

The Applicant respectfully requests entrance of these remarks to rebut an erroneous interpretation of the Gunn reference (US 5,112,153) and to further distinguish the Applicant's invention from the cited art. These remarks were not earlier presented because they are directly responsive to new grounds of rejection.

Claims 1, 3-8, and 10-12 remain in the application. Claims 1 and 12 are in independent form. Claims 2 and 9 have been canceled, and Claim 12 has been withdrawn from consideration.

#### **Claim Rejections Under 35 U.S.C. § 103**

Claims 1, 3-6 and 10 have been rejected under 35 U.S.C. 103(a) as being unpatentable over Maughan (US 6,042,293) in view of Gunn et al. (US 5,112,153) and Graham et al. (US 2,635,906).

The new grounds of rejection applied against Claims 1, 3-6 and 10 in the Final Rejection relies on Gunn et al. to teach "a ball joint (Fig. 6) including a metal bearing (32') having a split segment extending from the inner surface to the outer surface and surface establishing two opposing free ends (positioned at a single slot 40 cut in longitudinal direction) which capable of providing a degree of circumferential flexibility to said annular metal upper bearing." (Final Rejection, page 3, second full paragraph).

The Applicant respectfully requests reconsideration of this interpretation of the teachings as presented in Gunn et al. The component identified as 32' is not analogous to the Applicant's claimed upper metal bearing 150. Gunn's bearing 32', rather, is an alternative embodiment of bearing 32 which is the sole component by which the ball portion of the movable member is captured. Three embodiments of this bearing are suggested, as can be seen by comparison

between Figures 3, 6 and 7 of the Gunn et al. drawings. Gunn describes all three embodiments at Column 4, beginning at line 65:

The bearing 32 can be split in two halves 32a and 32b with the split being diametral through its bearing, i.e., longitudinally parallel to the axis of the bearing 32 or as seen in FIG. 6 the bearing socket 32' can be one piece with a single slot 40 cut in a longitudinal direction. Alternatively, the bearing socket can be transversely split into two halves 32c and 32d normal to the longitudinal axis as shown in bearing 32'' in FIG. 7. A suitable material for bearings 32 and 32'' is metal bearing material such as sintered bronze, whereas the bearing shape 32' with one split piece is the contemplated preferable configuration which can be made from a glass fiber, Teflon filled nylon bearing, which, if desired, can also be used as the material for the two piece bearing parts of bearings 32 and 32''.

Gunn does not teach a metal bearing 32' having a split segment as suggested in the Final Rejection. Rather, two piece bearings 32 and 32'' can be metal, however, the embodiment with a split segment (32', Fig. 6) is made from a glass fiber, Teflon filled nylon material. This material distinction is reinforced again in Gunn's specification at Column 6, beginning with line 15:

The spherical socket bearing 32' is one piece and is made from plastic so it can be assembled onto the ball head of the stud by simply pressing and snapping the ball end of the stud into the bore of the split bearing ring which being made from plastic has elasticity and can spread apart to receive the ball.

Accordingly, the Applicant respectfully requests reconsideration of the Final Rejection on the basis that Gunn et al. does not teach an annular metal upper bearing as defined in Applicant's claims. Gunn's bearing 32' is neither an "upper" bearing within the meaning ascribed in Applicant's claims, nor is it made from metal. This is the plain teaching of Gunn et al. and must be respected.

The Applicant respectfully requests reconsideration and withdrawal of the Final Rejection on the basis that a *prima facie* case of obviousness has not been established.

**Concluding Remarks**

It is believed that this application is now in condition for allowance. Further and favorable action is requested.

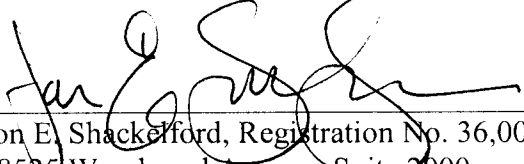
The Patent Office is authorized to charge any fee deficiency or refund any excess to Deposit Account No. 04-1061.

Respectfully submitted,

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